

TESTIMONY BEFORE HOUSE STATE ADMINISTRATION COMMITTEE, HJ 3

Good morning Representative Essman and members of the committee.

My names is Daniel Keder from Great Falls, Montana. I am a retired Air Force Officer and currently employed as a cab driver.

I am testifying today in opposition to House Joint Resolution 3.

I am opposed to HJ 3 for multiple reasons. However my key objection is the wide popular surface appeal this amendment has. I believe this appeal is likely to lead to an emotionally charged debate, superficial analysis of proposals, and adoption of amendments that will have unforeseen and unintended consequences for many supporters. These consequences will be detrimental to all our citizen's liberties and drive the government deeper into debt. The potential dangers inherent in this bill are personified in the ideas and propels of Lawrence Lessig.

Lawrence Lessig, among other things, is the founder of "Call a Convention."¹ Call a convention serves as a de facto umbrella organization for 17 organizations and two individuals, including Convention of States and Wof-PAC.² Lessig is the leading intellectual and organizing force behind campaign finance reform, particularly in response to the Supreme Court's "Citizens United" decision. His involvement raises a few "red flags" for me.

Lessig advocates a Constitutional Convention. More to the point, he advocates a convention specifically to bring about fundamental reform to our present system of government. A few quotes to illustrate the point. The proposed "solution" to our current political problems from the Call a Convention web site says, "Unlike a specific amendment, a convention can deliberate on holistic reforms..."³ From an interview of Lessig in Rolling Stone magazine, "Question to Lessig: So you even propose a Constitutional Convention? (Answer from Lessig) Yes, really as a way to emphasis (sic) that we need an outside the Beltway strategy."⁴ In an article on Lessig in "Harvard Magazine," the author observes "... That conviction ... have led him to call for a constitutional convention-something that hasn't happened since the Constitution was written..."⁵ Referring to an Article V Convention, Lessig writes, "The only requirement is that two-thirds (of the states) apply, and then begins the drama of an unscripted national convention to debate questions of fundamental law."⁶

¹ Internet, <http://www.callaconvention.org/leadership>. Accessed 5 Feb 15

² Ibid. /advocates. Accessed 5 Feb 15

³ Ibid. /the_solution. Accessed 5 Feb 15.

⁴ Julian Brookes, "Rolling Stone" magazine. Lawrence Lessig on How Money Corrupts Congress- and How to Stop It. Internet, <http://rollingstone.com/politics/news/lawrence-lessig-on-how-money-corrupts-congre...> 5 Oct 11. Accessed 5 Feb 15.

⁵ Johnathan Shaw, "Harvard Magazine," A Radical Fix for the Republic. Internet, <http://harvardmagazine.com/2012/07/a-radical-fix-for-the-republic>. July-August 2012 issue. Accessed 5 Feb 15.

⁶ Lawrence Lessig, "The Nation" magazine. How to Get Our Democracy Back. Internet, <http://www.thenation.com/article/how-get-our-democracy-back>. Accessed 5 Feb 15.

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Additionally, I believe two of the specific measures Lessig champions for campaign finance reform are flawed. If implemented, they will have impacts on political campaigns opposite to what most proponents of this bill intend. The first is public financing of political campaigns.⁷ In practice, this will not be "citizen funding of electoral campaigns" it will be government control of elections. The second is a "campaign voucher system."⁸ Under this proposal, the government will confiscate \$50 to \$100 of what every citizen earns and return it to them in the form of a campaign voucher. After this confiscation, the citizen will be "free" to spend the government provided voucher on whatever political candidate they want.

In conclusion, I have repeatedly read and listened to proponents of an Article V Convention making the argument that the ratification process, where three fourths of the states, currently 38, must approve any amendments proposed by a convention and this will definitively prevent "bad" amendments from being passed. In my opinion, this is an improper characterization. "Bad" and "good" implies a moral judgment. Proposed Constitutional Amendments are not moral, they are neither bad nor good in any moral sense. The amendments must be judged by their effect; do they promote liberty and limit government or do they not? What is the potential effect of the amendments for future generations of Americans? Your point of view on the desirability of liberty and limiting government and your perception of future affect determines whether an individual amendment is "good" or "bad." The 16th amendment seemed "good" to the electorate in three fourths of the states at the time. It passed. It destroyed liberty and enabled the usurping, corrupt, deficit running government we are trying to reign in today. The 17th amendment enjoyed tremendous popular support at the turn of the century. It is the "poster child" of many current Article V proponents. It destroyed an essential check and balance built into our system of government by the founders. It is one of several factors that has led to the problem this current joint resolution seeks to address. Historically, the ratification process has not served as a check on ideas that rob the citizens of their liberty or empower the central government. Do not let HJ 3 be the next one to do so.

Thank you for your time and consideration.



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⁷ Ibid.

⁸ Jonathan Shaw, Ibid.